SUPREME COURT MINUTES THURSDAY, SEPTEMBER 9, 2004 SAN FRANCISCO, CALIFORNIA

The Supreme Court of California reconvened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 9, 2004, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

S120903 Yoshi Morohoshi et al., Plaintiffs and Appellants

V.

Pacific Home et al., Defendants and Respondents

Cause called. Frederic D. Cohen argued for Respondent Harbor Regional Center.

Joseph Lange argued for Appellants.

Mr. Cohen replied.

Cause submitted.

S106273 The People, Plaintiff and Respondent

V.

William Seel, Defendant and Appellant

Cause called. Dennis A. Fischer argued for Appellant.

Robert C. Schneider, Office of Attorney General, argued for Respondent.

Mr. Fischer replied.

Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the Court and Officers present as first shown.

S108220 Jerry Stockett, Plaintiff and Respondent

V

Association of California Water Agencies Joint Powers Insurance Authority, Defendant and Appellant

Cause called. Jay Allen Eisen argued for Respondent.

Peter Abrahams argued for Appellant.

Mr. Eisen replied.

Cause submitted.

S117641 The People, Plaintiff and Respondent

V.

Alberto Francisco Briceno et al., Defendants and Appellants

Cause called. Leslie Conrad argued for Appellant.

Ronald A. Jakob, Office of Attorney General, opened argument for Plaintiff and Respondent.

Brian N. Gurwitz, appearing for Amicus Curiae Orange County

District Attorney, continued argument for Respondent.

Mr. Conrad argued for Defendants and Appellants.

Cause submitted.

S009038 The People, Respondent

V.

Richard Dean Turner, Appellant

Cause called. Robert M. Sanger argued for Appellant.

Douglas C.S. Lee, Office of Attorney General, argued for

Respondent.

Mr. Sanger replied.

Cause submitted.

Court adjourned.

D036144 Fourth Appellate District,

Division One

HARRIS, MARRIAGE OF

Time extended to consider modification or rehearing

to and including Nov. 19, 2004, or the date upon which rehearing is either granted or denied,

whichever occurs first.

S126394

F045692 Fifth Appellate District

SIMPSON (LAURINCE O.) ON H.C.

Time extended to grant or deny review

to October 15, 2004.

S126414

B174055 Second Appellate District,

Division Eight

THOMAS (BRIAN W.) ON H.C.

Time extended to grant or deny review

to October 18, 2004.

S126415

B176176 Second Appellate District,

Division Two

BLANKENSHIP (BENNIE) ON H.C.

Time extended to grant or deny review

to October 15, 2004.

S126425

A103394 First Appellate District,

Division Five

SCHWEDE v. BARRETT

Time extended to grant or deny review

to October 18, 2004.

S126484

B165117 Second Appellate District,

B169766 Division Seven

PEOPLE v. YOUNG

Time extended to grant or deny review

to October 20, 2004.

S126492

A106434 First Appellate District,

Division Three

NORIEGA (CARLOS) ON H.C.

Time extended to grant or deny review

to October 20, 2004.

S126494

C042759 Third Appellate District,

PEOPLE v. PESCADOR

Time extended to grant or deny review

to October 19, 2004.

B174926 Second Appellate District,

Division Four

JACKSON v. W.C.A.B. (DELTA AIRLINES)

Time extended to grant or deny review

to October 15, 2004.

S126533

G031952 Fourth Appellate District,

Division Three

GOLKA v. ELEGANT AWNINGS

Time extended to grant or deny review

to October 20, 2004

S012279

PEOPLE v. LUCAS (DAVID A.)

Extension of time granted

to November 9, 2004 to file respondent's brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General William M. Wood's representation that he anticipates filing that brief by 1/15/2005.

S029011

PEOPLE v. SOLOMON (MORRIS, JR.)

Extension of time granted

to November 12, 2004 to file respondent's brief. After that date, only four further extensions totaling about 240 additional days will be granted. Extension is granted based upon Deputy Attorney General David Andrew Eldridge's representation that he anticipates filing that brief by 7/15/2005.

S049626

PEOPLE v. HAJEK & VO

Extension of time granted

to November 8, 2004 to file appellant VO'S opening brief. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon counsel Doron Weinberg's representation that he anticipates filing that brief by 5/2005.

PEOPLE v. BUTLER (RAYMOND O.) Extension of time granted

to October 12, 2004 to file appellant's opening brief. Extension is granted based upon Deputy State Public Defender Kate Johnston's representation that she anticipates filing that brief by 10/12/2004. After that date, no further extension will be granted.

S057321

PEOPLE v. LOMAX (DARREL L.) Extension of time granted

to November 12, 2004 to file the appellant's opening brief. After that date, only one further extension totaling about 50 additional days will be granted. Extension is granted based upon Senior Deputy State Public Defender Jessica K. McGuire's representation that she anticipates filing that brief by 1/3/2005.

S065720

PEOPLE v. VINES (SEAN VENYETTE) Extension of time granted

to November 19, 2004 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling about 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S068536

PEOPLE v. MCWHORTER (RICHARD) Extension of time granted

to November 9, 2004 to file appellant's opening brief. After that date, only 7 further extensions totaling about 380 additional days will be granted. Extension is granted based upon counsel David S. Adams's representation that he anticipates filing that brief by mid-12/2005.

C041818 Third Appellate District

PEOPLE v. RABADUEX

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including October 1, 2004.

S123938

B149425 Second Appellate District, Division Seven

PEOPLE v. ROBINSON

Extension of time granted

Appellant's time to serve and file the answer brief on the merits is extended to and including October 8, 2004.

S124090

C043590 Third Appellate District

PEOPLE v. GARCIA

Extension of time granted

Respondent's time to serve and file the opening brief is extended to and including October 15, 2004

S126775

HUGHES (KRISTIN) ON H.C.

Extension of time granted

to October 4, 2004 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Morris Lenk's representation that he anticipates filing that brief by 10/4/2004. After that date, no further extension is contemplated.

S123042

SILVERTON ON DISCIPLINE

Order filed

The State Bar of California is hereby ordered to file a brief pursuant to rule 952(a) of the California Rules of Court, addressing the issue of the appropriate level of discipline in the above-entitled matter, on or before October 25, 2004. Within 15 days of the filing of the State Bar's Brief, Ronald Silverton may serve and file a reply brief.

IN THE MATTER OF THE SUSPENSION OF ATTORNEYS PURSUANT TO RULE 962, CALIFORNIA RULES OF COURT Orders filed (2)

- (1) Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **KENNETH N. ROBERTS** pursuant to our order filed on July 21, 2004, is hereby terminated.
 - This order is final forthwith.
- (2) Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **DENNIS RAYMOND SMEAL** pursuant to our order filed on July 21, 2004, is hereby terminated.

This order is final forthwith.

B165509 Second Appellate District

KAPLAN v. BRESLOW Order filed

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Five to Division Two.

B169470 Second Appellate District

ROBBINS v. COOPERATIVE EXTENSION, et al. Order filed

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Two to Division Five.